

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

Forest Laboratories, Inc., Forest
Laboratories Holdings, Ltd., Merz Pharma
GmbH & Co. KGaA and Merz Pharmaceuticals
GmbH, Plaintiffs,
V.

SUMMONS IN A CIVIL CASE

Apotex Inc. and Apotex Corp.,
Defendant.

CASE NUMBER:

68-336

TO: (Name and address of Defendant)

Apotex Corp.
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jack B. Blumenfeld
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

6/6/08

(By) DEPUTY CLERK

Beth Davis

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| RETURN OF SERVICE | | |
|--|----------------------|-------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE June 6, 2008 | |
| NAME OF SERVER (PRINT) | TITLE Messenger | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ | | |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ | | |
| <input type="checkbox"/> Returned unexecuted: _____ _____ | | |
| <input checked="" type="checkbox"/> Other (specify): By hand delivering a copy of the summons and complaint to Apotex Corp. c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801 | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL |
| | | |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 40%;"> <p>Executed on <u>6/6/08</u> <div style="text-align: center; margin-left: 100px;">Date</div> <u>1:27 pm</u> </p> </div> <div style="width: 55%;"> <p><u>John Sinkon</u> <div style="text-align: center; margin-left: 100px;">Signature of Server</div> 1201 North Market Street Wilmington, DE 19801 <div style="text-align: center; margin-left: 100px;">Address of Server</div> </p> </div> </div> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.